

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1423 OF 2023

Karan Narayan Barwal
Age – 20 years, Occu: Agri.,
R/o Adgaon, Tq. Bhokardan,
Dist. Jalna

... Applicant

Versus

The State of Maharashtra
Police Station Sillod (Rural)
Tq. - Sillod, Dist. Aurangabad

... Respondent

...
Advocate for Applicant : Mr. J. V. Deshpande and Mr. S. N. Dudhate
Advocate for Respondent/State: Mrs. P. V. Diggikar
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 23.08.2023

PER COURT :

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.236 of 2023 registered with Sillod (Rural) Police Station, District Aurangabad for the offences punishable under Sections 302, 201, 120-B, 364 and 118 of Indian Penal Code.

3. On the complaint of Revikiran Mithu Bharti, Head Constable, law is set into motion. The allegations in the FIR shows that accused no.1 – Ganesh and accused no.2 – Gajanan have committed murder of the deceased on account of illicit relationship with accused no.4 – Renukabai. The role of the applicant is attributed after commission of the murder. It is alleged that applicant / accused no.3 facilitated in disposal of dead body of the deceased using the vehicle bearing No. MH-20-DB-5460 owned by one Pravin Rupchand. Apparently, the name of applicant has been brought into picture during the police custody of accused no.1 – Ganesh. He stated that after commission of murder, applicant – accused was called along with the vehicle for disposal of dead body. Apparently, involvement of the applicant is based on police statement of co-accused. No other evidence appears to have been collected against the applicant till this date.
4. Mr. Deshpande, learned Advocate appearing for the applicant would submit that assuming the allegations against the applicant as true and correct, at the most, offence under Section 201 of IPC can be attracted against him. He cannot be linked with the actual commission of murder.
5. Learned APP opposes the prayer in the application on the ground that the applicant is related with the main accused i.e. applicant no.1. If he is released on bail, he may tamper the prosecution evidence and likely to create obstacle in ongoing investigation.

6. Having considered the submissions advanced, apparently, the limited role is attributed against the applicant that his service was utilized for disposal of dead body when applicant nos.1 and 2 had already committed his murder. The role of applicant is brought on record on the basis of statement of co-accused during police custody. No other material is pressed into service in support of such contentions. Apparently, the applicant may be prosecuted only for the offence punishable under Section 201 of IPC. The applicant is arrested on 20/07/2023. Further, detention of the applicant would not be beneficial to the prosecution. In that view of the matter, the applicant can be released on bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, namely, Karan Narayan Barwal be released on bail i in Crime No.236 of 2023 registered with Sillod (Rural) Police Station, District Aurangabad for the offences punishable under Section 302, 201, 120-B, 364 and 118 of Indian Penal Code on executing P.B. of Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety of the like amount on following conditions:
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter in Taluka Sillod except for attending police station or on specific notice by the Investigating Officer.

c) The applicant shall attend the concerned police station as and when called by the Investigating Officer, till filing of charge-sheet.

(iii) Bail Application is disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer